RAJYA SABHA

Thursday, the 16th December, 1999/25 Agrahayana, 1921 (Saka)

The House met at eleven of the Clock, **Mr. Chairman** *in the Chair.*

ORAL ANSWERS TO QUESTIONS

Settlement of Dues of Missing Government Servants

*261. SHRIMATI MALTI SHARMA: Will the PRIME MINISTER be pleased to state:

(a) the rules the regulations regarding appointment on compassionate grounds and settlement of dues with the dependents of Government servants working in the Department of Atomic Energy, in the person is missing from duty for quite a long time;

(b) the number of such cases of missing persons found in the department, espescially from the State of Andhra Pradesh;

(c) whether all the dues were settled with the dependents of Government servants and compassionate ground appointments were provided to them;

(d) if so, the details thereof; and

(e) if not, the reasons therfor?

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS WELFARE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE OF THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SHRIMATI VASUNDHARA RAJE) (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) The Department of Atomic Energy (DAE) follows the rules and regulations notified by the nodal Ministries of the Government of India, in matters relating to appointment of compassionate grounds

and settlement of dues to the dependent of the Government servant in case the person is missing for quite a long time. These instructions provide that:

(i) The benefit of compassionate appointment can be considered only after a lapse of at least two years from the date from which the Government servant has been missing provided that a first information report (FIR) to that effect has been lodged with the Police Station concerned, the missing person is not traceable and the competent authority feels that the case is genuine;

(ii) the benefit will not be applicable to the case of a Government servant (a) who had less then two years to retire on the date since which he has been missing; or (b) who is suspected to have committed fraud, joined any terrorist organisation or gone abroad;

(ii) compassionate appointment in the case of a missing Government servant will be subject to fulfilment of all the conditions, including the availability of vacancy, laid down for such appointments; and

(iv) while considering such a request, the results of Police investigation should also be taken into account.

Payment of retirement gratuity and family pension and other dues in a case where a Government employee's where abouts are not known are governed by the following instructions:

I. Benefits payable in the first instance:

(i.a) When an employees disappears leaving his family, the family can be paid, in the first instance, the amount of salary due, leave enchashment due and the amount at credit in the General Provident Fund (GPF) account having regard to the nomination made by the employee.

II. Benefits payable after one year:

(ii.a) Death gratuity limited to the amount of retirement gratuity;

(ii.b) Family pension at normal rate from the date of FIR;

(ii.c) Accumulation from the savings fund under group insurance scheme.

III. Benefits payable after death is established or after completion of seven years of lodging of FIR:

(iii.a) Difference between death gratuiry & retirment gratuity;

(iii.b) Insurance cover admissible under Grounp Insurance Scheme;

(iii.c) Difference in family pension between normal & enhanced rates.

The above benefits (I, II & III) may be sanctioned after oserving the following formalities:

(i) the family must lodge a report with the Police Station concerned and obtain a report that the employee has not been traced after all affects had been made by the police; and

(ii) an indemnity bond should be taken from the nominee/ dependant(s) of the employee that all payments will be adjusted against the payments due to the employee in case he appears on the scene and makes any claim.

(a) There are six cases of missing persons belonging to various units of the DAE of which three pertain to the Atomic ierals Directorate for Exploration & Researsch (AMD), Hy..rabad, Andhra Pradesh.

(c) to (e) The status on settlement of dues and provision of appointment on compassionate ground is given below:—

(i) Shri S.D. Phadnis, Tradesman B working in the Bhabha Atomic Researsch Centre, Mumbai has been reported missing since 29.8.1994. All the dues except the difference between retirement and death gratuity and amount of insurance cover has been settled. Wife of Shri Phadnis has been given appointment on compassionate ground on 16.7.99.

(ii) Shri Dineshwar Singh, Security Guard working in the Directorate of Construction, Service and Estate Mangement, (DCS & EM), Mumbai was reported mission since 23.6.1996. All the dues have been settled and his son Shri Anup Kumar D. Singh has been given appointment on compassionate ground.

(iii) Shri N.J. Wakode, Helper A of DCS&EM was repoted missing since 27.12.1996. Dues on Provident Fund and Family

Pension have already been settled. Payment of Group Insurance amount and Gratuity will be made on receipt of application from the family members. One son of Shri N.J. Wakode is already working as Tradesman C in the Department.

(iv) Shri Ambadatta Upreti, Scientific Officer/SB working in the Atomic Minerals Directorate for Exploration and Research (AMD), Hyderabad has been reported missing since 26.2.1992. The dues could not be settled for want of necessary certificate from the Police Station concerned.

(v) Shri Baisakhu Ram, Helper B of AMD was reported missing since 30.12.1992. All dues except Gratuity and Pension have been released. Application Forms for payment of gratuity and family pension are yet to be received from the family members. No compassionate appointement has been given.

(vi) Shri Laxmi Narayan, Tradesman D of AMD has been reported missing since 9.8.1997. No dues have been paid as the circumstances under which Shri Laxmi Narayan disappeared were suspicious. The matter is under investigation of the Delhi Police and a petition is pending before the Hon'ble High Court of Delhi vide Petition No. 1063 of 1998. No compassionate appointment has been given.

श्रीमती मालती शर्मा: माननीय सभापति जी, मंत्री जी ने अपने उत्तर के तीसरे भाग में बताया है कि जो परिवार पैंशन और देयमान देने थे वह दे दिए गए हैं लेकिन अन्य भुगतान अभी तक नहीं किए गए हैं। मैं मंत्री जी से यह जानकारी चाहती हूं कि अन्य भुगतान कब तक कर दिए जायेंगे?

पांचवे और छठे पैरा में यह दिया गया है कि एएमडी के श्री बैसाखू राम, हैल्पर बी, जो कि 30.12.92 से लापता हैं, उनके उपदान और पेंशन को छोड़कर अन्य सभी देय राशियों का भुगतान कर दिया गया है और अनुकंपा के आधार पर नौकरी अभी तक नहीं दी गई है। यह उनके परिवार के साथ अन्याय है। मैं मंत्री जी से पूछना चाहती हूं कि उनके परिवार के सदस्य को अनुकम्पा के आधार पर नौकरी कब तक दे दी जाएगी और पैंशन और उपदान का कब तक भुगतान कर दिया जाएगा?

इसी से संबंधित मेरा श्री लक्ष्मी नारायण, ट्रेड्समैन डी के बारे में सवाल है। श्री लक्ष्मी नारायण 9.8.97 से लापता है। लेकिन इनके लापता होने की छानबीन की जा रही है और

अदालत में मुकदमा दर्ज है। इस आधार पर उस परिवार को न नौकरी दी गई है और न ही कुछ भुगतान किया जा रहा है। मैं मंत्री जी से यह पूछना चाहती हूं कि सरकार इनके परिवार के बारे में क्या सोच रही है और उनके परिवार का गुजारा किस प्रकार से चलेगा? इन सब बातों की जानकारी मैं चाहती हूं।

SHRIAMTI VASUNDHARA RAJE: Mr. Chairman, Sir, six cases of the employees missing have been reported in the Department of Atomic Energy out of which compassionate payments have been given to the dependents of two such personnel.

The hon. Member has asked about Shri Baisakhu Ram who was Helper B and who was reported missing since 31.12.1997. The accumulation on provident fund (CGEIS) and leave encashment has already been released. The application forms for payment of gratuity and family pension have been sent to Smt. baisakhu Ram. The forms duly completed from her side are still to be received by the Department. But she has also, as of now, not applied for compassionate appointment.

As far as Laxmi Narayanji is concerned, he is Tradesman D of the Department, and he has been reported missing since 9.8.1997. The circumstances under which he disappeared were suspicious. The matter is under investigation of the Delhi Police, and a petition is pending before the hon. High Court of Delhi. As a result, the payment has not been released, Sir.

श्रीमती मालती शर्मा: सभापति महोदय, अदालत में तो मामले बहुत दिनों तक चलते रहते है। अभी इनके मामले की छानबीन चल रही है, पुलिस पता नहीं कब तक छानबीन करती रहेगी और ऐसी स्थिति में उसके परिवार की क्या दशा होगी? सरकार की ओर से उसके परिवार के लिए क्या किया जा रहा है। यह मैं माननीय मंत्री जी से जानना चाहती हूं।

SHRIMATI VASUNDHARA RAJE: I can completely understand the position, Sir, but there are some procedures which have to be followed, under the procedures, this case is under investigation and, therefore, until the investigation is completed, the payment cannot be released.

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, the hon. Minister, while referring to part III(b) given at page 2 of the statement, said, "There are six cases of missing persons belonging to various units of the Department of Atomic Energy of which three

pertain to the Atomic Minerals Directorate for Exploration & Research, Hyderabad in Andhra Pradesh." In one particular case, which she has also referred to, she said, "he is missing from 1997." Almost two years have passed. I am not concerned with what you are dealing with, i.e. giving them family pension or compensation to carry on their life. What is much more concerning to me is, whether the persons who are missing, were working in the most sensitive areas of the Department of Atomic Energy, because they are missing, and if the State Police takes an unusually long time, whether they are carrying with them certain sensitive information or knowledge. I would like to know whether these type of missings are just missings, or, there is anything suspicious. I would like to know what steps the Government is taking to locate the missing persons so that the information which they gather while functioning in a sensitive department like that should not fall in the hands of undersirable persons. Therefore, I would also like to know whether any institutional arrangement is there to trace the persons, instead of having only a normal routine investigation by the various authorities which may take long time. As they working a very sensitive areas, they may have some information which may be construed as specific. And if they are missing, then, there may be something suspicious. I would like to have a reaction from the Government on this.

SHRIMATI VASUNDHARA RAJE: Sir, six people who are missing over here are from Group C and D Grades. So I would like to allay the apprehensions of the Members and say that they were not in any sensitive position.

SHRI PRANAB MUKHERJEE: All the persons who are missing till today?

SHRIMATI VASUNDHARA JAJE: Yes.

SHRI H. HANUMANTHAPPA: Sir, appointment on compassionate grounds is an approach by the Government, on humanitarian considerations. Of late, what has happened is that these people are also kept in the list. In many of the departments, there are applications pending, on compassionate grounds. It is said that you are in the queue, just as we hear on the telephone 'You are in the queue.' There are already half a dozen people in the list, so you have to wait. It takes a number of years to get an appointment, even

after following all the procedure. The candidate is eligible and the family is in distress, so he goes to the Department. The Department is not taking a decision, saying that there are already a dozen of them in the queue; so he will have to wait. They very purpose of compasionate appointments itself is lost. So, I would request the Government to look into this case. In many departments, there are a number of cases pending for years together. I think a review is necessary. If at all you want to help a distressed family of a Government employees, whom they have lost while he was in service, then, the next earning member, or, the next member who is capable of entering into Government service should get appointment. I would request the Government to have a review on this. A number of cases are pending. I would like know whether this compassionate arrangement it really reaching them or not. I want the Government to take a view on this.

SHRIMTI VASUNDHARA RAJE: Sir, I will limit myself to the question of Atomic Energy Department. So far as the appointment of six persons is concerned, I can completely understand and I do agree that a certain amount compassion would be involved in this. But there is a procedure which has to be followed. As far as compassionate appointment is concerned, there are parameters. Under those parameters, there has to be availability of vacancies. There have to be members from Group C and D Grades, and there has to be a quota of five per cent available, before they can be taken in. As far as the case of six persons is concerned, two have already been given appointment. One son is already working within the Department, and three cases have still to be sorted out.

SHRI H. HANUMANTHAPPA: My question was general one. It does not pertain to Atomic Energy Department. My point is that compassionate appointments are not being given to Government Servants. So, I want the Government to have a review on this. A number of cases are pending. Some *via media,* some methodoloty, may be found to help the distressed families.

SHRIMATI VASUNDHARA RAJE: Sir, I would certainly keep that in mind.

SHRI PRANAB MUKHERJEE: I would like to draw your attention to page 3, where you have said that all are Group D

officers. But here is a Scientific Officer, Shri Ambadatta Upreti, who are working in the Atomic Minerals Directorate. Therefore, surely, all the officers cannot be Group D officers.

SHRIMATI VASUNDHARA RAJE: This case is till being sorted out.

SHRI PRANAB KUKHERJEE: But my point is that he was a Scientific Officer. Yes; he may not be in a sensitive department. But you said, if I heard you correctly, that all the officers who are missing are Group D officers, and they are not working in sensitive areas. Before making a blanket statement, please ascertain and try to find out the correct thing. That is my request.

SHRIMATI VASUNDHARA RAJE: As far as Group C and D are concerned, I would like to reiterate that I did not say, 'Group D alone'. I said, 'Group C and D'. And the Department has looked into this issue. There is nothing that could cause any apprehension to any Member here.

Framing of Rules by Government Instrumentalities

*263. SHRI JALALUDIN ANSARI:
SHRI GOVINDRAM MIRI:†

Will the PRIME MINISTER be pleased to state:

(a) whether Government's Instrumentalities can make rules and provisions, through their Board of Governors/Executive Bodies, etc. which contravene or change their complexions of the Central Government Rules and provisions; and

(b) if so, what is the justification and the legality thereof?

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, AGRO AND RURAL INDUSTRIES, MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL AND TRAINING, DEPARTMENT OF PENSIONS AND PENSIONERS' WELFARE OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENGERY AND SPACE (SHRIMATI VASUNDHARA RAJE): (a) and (b) A Statement is laid on the Table of the House.

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†The question was actually asked on the floor of the House by Shri Govindram Miri.